

The Office Action rejects claims 1 – 18, 23, and 24 under 35 U.S.C. 112, first paragraph, on the basis that the drawing in the application could support the amendment of the base piece covering less than 50% of said chest in a normal adult human allegedly does not appear in the disclosure. This rejection is respectfully traversed. The preferred dimensions of the base piece are stated at page 10, lines 18 – 29, and the size of a normal adult chest is something well known in the art, and also something for which official notice can be taken. The dimensions cited in the patent application are well under 50% of the area of the chest of even a small adult human, so that these dimensions, together with the drawing, do support the amendment. Further, a chest fly box is a term of art. Those skilled in the art recognize what the term "chest fly box" means. They recognize that a chest fly box is a relatively small device that covers under 50% of the chest area of the wearer. See, for example, Exhibit A enclosed herewith, which is a sampling of six pages on Chest Fly Boxes from the Internet. This sampling was found by entering "Chest Fly Boxes" on the Google™ search page.

Exhibit A shows that those skilled in the art recognize what a Chest Fly Box is. In particular, the page of Exhibit A entitled Chest Fly Boxes and Packs shows that those skilled in the art recognize the difference between Chest Fly Boxes, fishing vests, and chest packs. If the Examiner agrees that the term "chest fly box" is a term of art and those skilled in the art will distinguish it from other fishing tackle containers, such as the hip tackle box of Miller US 4,529,112, the applicant will remove the "50%" language from the claims.

In paragraphs 7 – 12 of the Office Action, the Examiner makes various rejections based on insufficient antecedent.

Claims 3 and 6 have been rejected because there allegedly is insufficient antecedent for the limitation "the fishing rod holder". Claim 3 is as follows:

3. A chest fly box system as in claim 1, *further comprising a fishing rod holder*, said fishing rod holder contiguous to said base piece and configured to hold a fishing rod in a horizontal orientation under a pocket-sized fly box supported on said base piece. (Emphasis added)

The italicized words in claim 3 clearly provide a sufficient antecedent basis for the

Serial No. 09/636,731  
Amendment And Remarks In Response To  
Office Action Mailed 11/06/02  
Page - 3  
11812v2

subsequent references to the term. Likewise, claim 5 also recites a fishing rod holder that provides sufficient antecedent basis for the term in claim 6.

Claims 23, 24, and 25 have been rejected for insufficient antecedent for various terms. The claims have been amended to address these rejections.

**Claim Rejections – 35 U.S.C. §103**

The Office Action rejects claims 1, 2, and 4 under 35 U.S.C. 103(a) as being unpatentable over Wimler. This rejection is respectfully traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991). MPEP 4142 and MPEP 2143 – 2143.03.

Wimler does not disclose a fastener adapted to releasably secure a fly box to the base piece so that it can be released from the base piece without using a tool. Neither does it disclose a harness that secures the base piece to the chest of a fisherman. The harness in Wimler secures the base piece to the waist or stomach of the fisherman. If a limitation is not shown in the reference, it cannot be obvious to include it. Since Wimler does not teach or suggest all the claim limitations, it cannot be the basis for a 103 rejection pursuant to the MPEP sections quoted above.

With respect to claims 2 and 4, these claims depend on a patentable claim and therefore are also patentable. Further, claim 4 includes a horizontal support plate which is not shown in Wimler and therefore is patentable on its own.

The Office Action rejects claims 3, 5, 6, and 23 – 25 under 35 U.S.C. 103(a) as being obvious over Wimler in view of Hutton. This rejection is respectfully traversed. Claims 3, 5, 6, 23, and 24 depend on a patentable claim. The Office Action states that the

**Serial No. 09/636,731  
Amendment And Remarks In Response To  
Office Action Mailed 11/06/02**

**Page - 4**

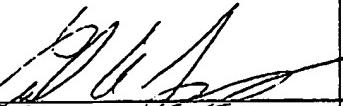
11812v2

fishng rod holder in Hutton is configured to hold a fishing rod in a horizontal position. It is configured to hold a rod in the vertical position. When the rod is inserted, friction pivots the rod holder which presses the rod against the side of the tackle box to hold it. With regard to claim 5, the rod holder is attached to the box, not the base piece. With regard to claim 23, the rod holder is not a U-shaped trough. With regard to claim 25, the box support and the fly rod holder are not made of a single piece of rigid material, nor is the rod holder configured to hold the fishing rod in the horizontal position. There is no fastener adapted to be released from the base piece without using a tool. The MPEP expressly states that all claim limitations must be considered. MPEP 2143.03. On this basis alone, the rejection is improper.

New claims 40 and 41 cover another limitation now shown in the prior art, namely that the fastener is further adapted so that the fly box can be released from the base piece while all parts of said fastener remain attached to either the fly box or the base piece. This is an important aspect of the Invention because it prevents the fisherman from losing a loose piece while he or she is changing fly boxes. This is supported in the specification at page 11, lines 9 – 14; page 12, lines 26 – 29; and the corresponding FIGS. 3 and 4.

Based upon the foregoing amendment and remarks, claims 1 – 18 and 23 – 25 as amended are patentable and their reconsideration and allowance are respectfully requested. No fees are seen to be required. If any additional fee is seen to be required, please charge it to Deposit Account No. 50-1848.

Respectfully submitted,  
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Serial No. 09/636,731  
Amendment And Remarks In Response To  
Office Action Mailed 11/06/02

Page - 5  
11812-2

VERSION WITH MARKINGS TO SHOW CHANGES MADEIn The Claims:

Claims 1 and 23 – 25 have been amended as follows:

1. (Five Times Amended) A chest fly box system for holding fishing equipment, comprising:

a base piece for supporting a pocket-sized fly box;

a harness that secures said base piece to the chest of a fisherman, with said base piece resting on the front of said chest and covering less than 50% of said chest in a normal adult human;

a hinge for permitting movement of said fly box from a horizontal to a vertical position; and

a fastener adapted to releasably secure [any one of] a [plurality of] pocket-sized fly [boxes] box to said base piece so [they] it can be accessed without removing [them] it from said base piece[, said plurality of pocket-sized fly boxes being of different types];

wherein [said hinge and] said fastener [comprise the same structural element] is adapted so that said fly box can be removed from said base piece without using a tool.

23. (Amended) A chest fly box system as in claim 1, characterized in that said [rod-holding mechanism is] fishing rod holder comprises a U-shaped trough.

24. (Amended) A chest fly box system as in claim 1, characterized in that said [rod-holding mechanism is] fishing rod holder comprises a clamp.

25. (Four Times Amended) A portable system for holding, storing and transporting fishing equipment, comprising:

an integrated fly box support and a fishing rod holder made of a single piece of rigid material, said fishing rod holder configured to hold a fishing rod in a horizontal orientation while said fly box is being accessed;

[a hinge for permitting movement of said fly box from a horizontal to a vertical position; and]

a fastener adapted to releasably secure a fly box to said base piece so it can be accessed without removing it from said base piece and released from said base piece

Serial No. 09/636,731

Amendment And Remarks In Response To

Office Action Mailed 11/06/02

Page - 6

11812-2

without using a tool; and

a hinge for permitting movement of said fly box from a horizontal to a vertical position [wherein said hinge and said fastener comprise the same structural element].

The following new claims 40 and 41 have been added:

40. A chest fly box as in claim 1 wherein said fastener is further adapted so that said fly box can be released from said base piece while all parts of said fastener remain attached to either said fly box or said base piece.

41. A chest fly box as in claim 25 wherein said fastener is further adapted so that said fly box can be released from said base piece while all parts of said fastener remain attached to either said fly box or said base piece.

**Serial No. 09/636,731  
Amendment And Remarks In Response To  
Office Action Mailed 11/06/02  
Page - 7  
11812v2**


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Chest Fly Boxes

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... Boxes will either be replaced or repaired at the company's discretion. (Foam liners not included.). ... The Downs Fly box is worn on the chest. ...  
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... chest, the drawers of a Richardson are much harder, though probably not impossible, to drop over the dam or open upside down than are conventional fly boxes. ...  
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**EXHIBIT A**

2/5/2003

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## The History of Richardson Chest Fly Box



**Dear Customer,**

Thank you for your interest in the Richardson Chest Fly Box<sub>R</sub>. As you may be aware, the concept of a hands free, easily accessible fly box worn on the angler's chest has been around for over 45 years. In 1951, Ronald Fye from central Pennsylvania handcrafted the first chest fly box (known then as The Fye Box) inspired by the Dean of American Flyfishing-George Harvey.

Rex "Chirp" Richardson purchased the company along with the patent in 1960 and renamed it The Richardson Chest Fly Box Company. Mr. Richardson made many improvements to the box over the years utilizing the recommendations from his customers and produced the box with such quality as to achieve world-wide renown. His customer list reads more like a WHO'S WHO of FLYFISHING: George Harvey, Joe Humphreys, Presidents Ike Eisenhower and Jimmy Carter, Dan Bailey Sr., Joan Wulff and Charlie Meck to name just a few. Rex continued to build the box, each custom handcrafted, until his death at the age of 80 in September of 1995. Rex Richardson was one of flyfishing's greatest craftsmen and a special friend to all who know him.



As the prod owners of The Richardson Chest Fly Box Company, we have dedicated ourselves to hand crafting the chest fly box in the same time tested fashion and quality as before. Any modifications we make are closely examined by some of the top names in flyfishing to assure that they are convenient, functional and do not detract form the integrity of the original concept. In keeping with Rex's longstanding philosophy, only the owners of the company build each and every chest fly box.

We will also never sell a chest flybox that we are not 100% satisfied with, and all models carry a lifetime guarantee. We are looking forward to custom handcrafting a Richardson Chest Fly Box for you, so drop us a line when you are ready to have your expectations exceeded.



Tight Lines,

Karl and Bob



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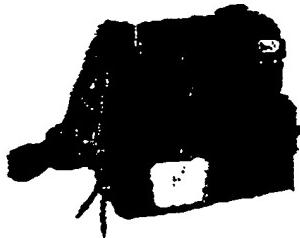
Page 1 of 1



<http://www.chestflybox.com/images/Dividers-m.jpg>

06/12/2000

# *ChestFlyBoxes and Packs*



by Adam Trahan

→ Out on a limb, I don't particularly like fly fishing vests. I like chest packs and ChestFlyBoxes. I am sure that there are others like me, but most of you like vests. That's ok, one day, I will make a page on vests when I get one. But for now, chest packs are a way to organize all of my equipment into one area that is easily accessible. Able to carry three or four large fly boxes with all of the trimmings, a chest pack is perfect (my opinion) for small stream fly fishing. The draw backs, no storage for water or food, rain gear, and does not supply any protection or warmth.

→ I use an Orvis pack and a Richardson Chest Fly Box. Chest packs and Chest Fly Boxes are a neat way to organize your fly fishing things. I prefer them and I am by no means a traditionalist.

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"For 35 years, Rex Richardson made his chest fly boxes in Osceola Mills, a small town in the coal country of northern Centre County, Pennsylvania."

## *A Long and Proud History*

Just who originally designed a chest box is not entirely clear. Rex Richardson owned a chest fly box that was quite old, but he didn't know the name of its maker. George Harvey, one of fly fishing's pioneers, says he first bought a chest fly box in the 1940s from a man who made them in western Pennsylvania, but this man's name may also be lost to history. Harvey showed his box to Ronald Fye of Hollidaysburg, Pennsylvania, who began to make them on a regular basis. Since Harvey had been his inspiration, Fye gave him the first box he completed. That box is now the prized possession of Harvey's protege; angling author Joe Humphreys.

Fye named his product the Angler's Tackle Box, but many anglers referred to them simply as the Fye Box. They became quite a hit with fly fishers and were sold by many fine tackle shops.

Fye was a mechanical engineer for a company that built quarry equipment. He built his chest fly boxes in a basement workshop in his home. He designed metal





# Specification Chart

While extra 1-1/4" trays are an option, all boxes have one 1-1/4" deep tray, closest to chest. Other trays are 3/4" deep.

Boxes start at \$30.00 and weigh less than 32 oz.						
Model	Height & Width Measurements	1 Tray Box	2 Tray Box	3 Tray Box	4 Tray Box	5 Tray Box
Original Style™	5" High x 6" Across (12.7 cm x 15.2 cm) All finishes and options are available.	Distance from chest: 1-1/2" (3.8 cm) Weight: 10 oz. (283 grams)	Distance from chest: 2-1/4" (5.7 cm) Weight: 15 oz. (425 grams)	Distance from chest: 3-1/4" (8.2 cm) Weight: 20 oz. (566 grams)	Distance from chest: 4-1/16" (10.3 cm) Weight: 25 oz. (708 grams)	Distance from chest: 5" (12.7 cm) Weight: 30 oz. (850 grams)
Joc Humphreys Series™	3-7/8" High x 6" Across (9.8 cm x 15.2 cm) All finishes and options are available.	Distance from chest: 1-1/2" (3.8 cm) Weight: 8 oz. (226 grams)	Distance from chest: 2-1/4" (5.7 cm) Weight: 12 oz. (340 grams)	Distance from chest: 3-1/4" (8.2 cm) Weight: 16 oz. (453 grams)	Distance from chest: 4-1/16" (10.3 cm) Weight: 20 oz. (566 grams)	Distance from chest: 5" (12.7 cm) Weight: 24 oz. (680 grams)
Ultra-Lite™	3-7/8" High x 6" Across (9.8 cm x 15.2 cm) Limited options. Standard finish only.	Distance from chest: 1-1/2" (3.8 cm) Weight: 6 oz. (170 grams)	Distance from chest: 2-1/4" (5.7 cm) Weight: 9 oz. (255 grams)	Distance from chest: 3-1/4" (8.2 cm) Weight: 12 oz. (340 grams)	N/A	N/A
George Harvey Signature Edition™	5" High x 7-1/2" Across (12.7 cm x 19 cm) Limited options. Deluxe Green finish only.	N/A	Distance from chest: 2-1/4" (5.7 cm) Weight: 16 oz. (453 grams)	The George Harvey Signature Edition is available in 2 Tray Deluxe Green Finish Only, and comes with dividers in 1-1/4" Tray and foam in 3/4" Tray. Also included is the Amish Handmade Leather Harness.		

(All weights and measurements are averages and will vary slightly according to box set-up.)

[Home](#)